

BEFORE IOWA BOARD OF NURSING HOME ADMINISTRATORS

IN THE MATTER OF) NO. 12-001
)
Susan Juilfs,)
)
Respondent.) **NOTICE OF HEARING**
) **AND STATEMENT OF CHARGES**

COMES NOW the Iowa Board of Nursing Home Administrators (“Board”) and hereby files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued Iowa nursing home administrator license number 01256 on August 4, 1983. Respondent’s license is current and is set to expire on December 31, 2013. Respondent’s address as reported to the Board is 610 S. Ontario Street, PO Box 75, Pomeroy, IA, 50575.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on **October 24, 2013**, before the Board of Nursing Home Administrators. The hearing shall begin at 9:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room 526, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Nursing Home Administrators, 5th Floor, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC 11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: September Lau, Assistant Attorney General, Iowa Attorney General's Office, Hoover State Office Building, 2nd Floor, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file

with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 155, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 155, and 272C and 645 IAC chapter 144.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 645 IAC 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

Respondent is charged pursuant to Iowa Code section 147.55(2) and 645 IAC 144.2(3) with professional incompetence, including

(a) "a substantial lack of knowledge or ability to discharge professional obligations within the scope of practice," ...

(c) "a failure to exercise the degree of care which is ordinarily exercised by a nursing home administrator acting in the same or similar circumstances," and

(d) "failure to conform to the minimal standard of acceptable and prevailing practice of a licensed nursing home administrator in this state."

D. FACTUAL CIRCUMSTANCES

1. Respondent served as nursing home administrator for Pomeroy Care Center (Facility) from September 1, 1983 through October 11, 2011.

2. As the administrator, Respondent was responsible for the day-to-day operation of the Facility and for ensuring that the Facility was operated in compliance with all state and federal laws and regulations governing the Facility. She was also responsible for ensuring that the highest degree of quality care practicable was delivered to residents.

3. On or about August 21, 2011, a Male Resident of the Facility sexually assaulted a female resident.

4. Respondent knew or should have known the Male Resident posed a threat to other residents.

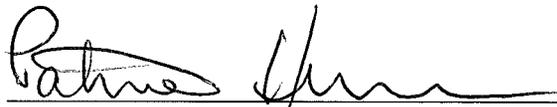
5. Respondent failed to ensure that all residents were protected from the known threat posed by the Male Resident.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact September Lau, Assistant Attorney General, at (515) 281-7175.

F. PROBABLE CAUSE FINDING

On this 11th day of June, 2013, the Iowa Board of Nursing Home Administrators found probable cause to file this Notice of Hearing and Statement of Charges.



Chair, Board of Nursing Home Administrators

Copies to:

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